

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY,

Plaintiff,

vs.

CITY OF SAMMAMISH,

Defendant.

NO. 2:17-cv-00921-JCC

DECLARATION OF DAVID
RAINEY IN SUPPORT OF CITY
OF SAMMAMISH'S RESPONSE
TO KING COUNTY'S MOTION
FOR PRELIMINARY
INJUNCTION

DAVID RAINEY declares and states as follows:

1. I am over the age of 18, competent to be a witness in this matter, and make this declaration on personal knowledge of the facts stated in support of the City of Sammamish's Response to King County's Motion for Preliminary Injunction.

2. I am the City of Sammamish Police Department Day Shift Patrol and Detective Sergeant. I have been a law enforcement Officer for 28 years, the last 19 years with the King County Sheriff's Office, and have been assigned to the Sammamish Police Department since January 1, 2016.

3. On June 16, 2017, I was asked by Jessi Bon ("Bon"), Deputy City Manager for the City of Sammamish, to be present while Jim Krieg ("Krieg"), Construction Inspector for City of Sammamish, served a Stop Work Order on King County for work on the East

DECLARATION OF DAVE RAINEY
(2:17-cv-00921) - 1



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1 Lake Sammamish Trail ("ELST") South Segment A (the "Project"). I asked Bon if all
2 work was going to be stopped on the ELST, and she responded that only work in the City's
3 right-of-way ("ROW") within the Project was being stopped.

4 4. Prior to arriving at the site I called Jonna, an inspector for King County on the
5 Project who works for Parametrix, and asked that she meet me at the job shack. Jonna
6 explained that she would be leaving the ELST work assignment so she would send another
7 Parametrix inspector to attend the meeting. I also called Gina Auld ("Auld"), Capital
8 Project Manager for King County Department of Natural Resources. I explained to Auld
9 that the Stop Work Order was going to be served at the site. I explained that the Stop Work
10 Order only affected work on SE 33rd Street and 206th Avenue SE.

11 5. I arrived at the job shack for the Project between 9:00 and 9:15 a.m. I observed
12 Krieg serve the Stop Work Order on, and discuss the same with, two representatives from
13 King County's contractor, Active Construction Inc. ("ACI"), for the Project. I believed the
14 ACI representatives were the Project foreman and the Project superintendent. Also in
15 attendance was a Parametrix inspector. Krieg told the ACI representatives and the
16 Parametrix inspector that the Stop Work Order prohibited work for the Project in SE 33rd
17 Street and 206th Avenue SE. Krieg posted the Stop Work Order at SE 33rd Street and at
18 206th Avenue SE. Everyone at the meeting appeared to understand that work could not be
19 done in the ROW, but that work could continue everywhere else on the Project. The ACI
20 representatives asked for a copy of the Stop Work Order, and Krieg allowed them to make
21 a copy in the job shack.
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(2:17-cv-00921) - 2



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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 DATED this 12TH day of July, 2017, at Sammamish, Washington.

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5 Sgt. David Rainey
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DECLARATION OF DAVE RAINEY
(2:17-cv-00921) - 3



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